

## AMENDMENTS TO THE CLAIMS

### *Listing of Claims:*

1. (Currently Amended) A transdermal spray formulation comprising:
  - a) a pharmaceutically active agent;
  - b) 0.1% to about 5.0% by weight VP/VA copolymer;
  - c) at least 60% by weight ethanol of a ~~non-aqueous solvent~~; and
  - d) optionally a penetration enhancer, which, if present, is present in an amount of 0.01% to 5.0% by weight of the composition.
2. (Original) A transdermal spray formulation according to claim 1, wherein the pharmaceutically active agent is provided in a therapeutically effective amount.
3. (Previously Presented) A transdermal spray formulation according to claim 1, further comprising an anti-nucleating agent.
4. (Previously Presented) A transdermal spray formulation according to claim 3, wherein the anti-nucleating agent is a polyvinylpyrrolidone polymer or copolymer.
5. (Previously Presented) A transdermal spray formulation according to claim 3, wherein the anti-nucleating agent comprises from about 1% to about 10% by weight of the formulation.

6. (Previously Presented) A transdermal spray formulation according to claim 1, wherein the penetration enhancer is a monohydric alcohol such as ethanol, isopropyl, butyl or benzyl alcohol; a dihydric alcohol such as ethylene glycol, diethylene glycol, propylene glycol, dipropylene glycol or trimethylene glycol; a polyhydric alcohol such as glycerin, sorbitol or polyethylene glycol; a polyethylene glycol ether of an aliphatic alcohol, such as cetyl, lauryl, oleyl or stearyl, including polyoxyethylene (4) lauryl ether, polyoxyethylene (2) oleyl ether, polyoxyethylene (10) oleyl ether or polyoxyethylene alkyl ether; vegetable, animal or fish fats or oil such as olive and castor oils, squalene or lanolin; a fatty acid ester such as propyl oleate, decyl oleate, isopropyl palmitate, glycol palmitate, glycol laurate, dodecyl myristate, isopropyl myristate or glycol stearate; a fatty acid alcohol such as oleyl alcohol and derivatives thereof; a fatty acid amide such as oleamide and derivatives thereof; urea and urea derivatives such as allantoin; a polar solvent such as dimethylaurylamide, dodecylpyrrolidone, isosorbitol, or salicylic acid; an amino acid; a higher molecular weight aliphatic surfactant such as lauryl sulfate salts or esters of sorbitol and sorbitol anhydride; polysorbates 20, 21, 40, 60, 61, 65, 80, 81, or 85; oleic and linoleic acids, ascorbic acid, panthenol, butylated hydroxytoluene, tocopherol, tocopherol acetate, tocopheryl linoleate, menthol, dimethylisosorbide, glycerylmono-oleate or myristyl lactate.

7. (Previously Presented) A transdermal spray formulation according to claim 1, wherein the penetration enhancer is selected from the group consisting of menthol, dimethylisosorbide, glycerylmono-oleate and myristyl lactate.

8.-9. (Canceled)

10. (Previously Presented) A transdermal spray formulation according to claim 1, wherein the pharmaceutically active agent is one or more of the following classes: anti-inflammatory drugs, analgesics, anti-arthritic drugs, antispasmodics, antidepressants, anti-psychotics, tranquillisers, anti-anxiety drugs, narcotic antagonists, antiparkinsonian agents, cholinergic agonists, chemotherapeutic drugs, immunosuppressive agents, antiviral agents, antibiotic agents, appetite suppressants, anti-emetics, anti-cholinergics, antihistaminics, anti-migraine agents, coronary, cerebral or peripheral vasodilators, hormonal agents, contraceptives, anti-thrombotic agents, diuretics, antihypertensive agents, cardiovascular drugs and opioids.

11. (Previously Presented) A transdermal spray formulation according to claim 1, wherein the pharmaceutically active agent is one or more of estradiol, testosterone, oxybutynin, buprenorphine and fentanyl.

12. (Previously Presented) A transdermal spray formulation according to claim 1, wherein the pharmaceutically active agent is estradiol.

13. (Previously Presented) A transdermal spray formulation according to claim 12, wherein the estradiol is present in an amount from about 1% to about 5% by weight of the formulation.

14. (Previously Presented) A transdermal spray formulation according to claim 1, wherein the pharmaceutically active agent is testosterone.

15. (Previously Presented) A transdermal spray formulation according to claim 14, wherein the testosterone is present in an amount up to about 16.66% by weight of the formulation.

16. (Currently Amended) A transdermal spray formulation according to claim 1 for forming a patch on the skin of a subject, ~~wherein the non-aqueous solvent comprises ethanol, methylal or acetone or mixtures thereof; and~~ wherein the optional penetration enhancer, when present, is different to ~~the non-aqueous solvent~~ ethanol.

17. (Canceled)

18. (Withdrawn) A method of administering a pharmaceutically active agent, comprising spraying a transdermal formulation according to claim 1 onto the skin of a subject in need thereof.

19. (Withdrawn) A method according to claim 18, wherein the non-aqueous solvent volatilizes upon contact with the skin, forming a film comprising the VP/VA copolymer and the pharmaceutically active agent.

20. (Withdrawn) A method of forming a pharmaceutically active film comprising spraying a transdermal formulation according to claim 1 on the skin of a subject in need thereof.